

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF APPEALS

ATTORNEY DOCKET NO.
ENER-0001-UT1



IN RE APPLICATION OF
FLYNN, et al.

SERIAL NUMBER
10/637,608

FILED
AUGUST 11, 2003

FOR
HYDROGEN ODORANTS AND ODORANT SELECTION METHOD

GROUP ART UNIT
1754

EXAMINER
LANGEL, WAYNE A.

To the Director of U.S. Patent and Trademark Office:

Applicant hereby appeals to the Board of Appeals from the decision dated February 17, 2005, of the Examiner finally rejecting claims 2 through 4, 7 through 11 and 45 through 53.

The Appeal fee of \$250.00 is:

- ☐ enclosed
- ☐ not required (fee paid in prior appeal in this application).
- ☐ requested to be charged to Deposit Account Number 10-0233-ENER-0001-UT1.
- ☒ payment by credit card. Form PTO-2038 is attached
- ☒ Small Entity Status has been established.
- ☐ A verified statement establishing small entity status is enclosed.

05/17/2005 SZEWDIE1 00000081 10637608

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250.00 0P

Mark J. Guttag
Registration Number 33,057

Jagtiani + Guttag
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Fairfax, Virginia 22030
(703) 591.2664

May 16, 2005



Handwritten: ZW AF / CC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/637,608
Applicant : FLYNN, ET AL.
Filed : AUGUST 11, 2003
Title : HYDROGEN ODORANTS AND ODORANT SELECTION METHOD

Art Unit : 1754
Examiner : LANGEL, WAYNE A.

Atty Docket No. : ENER-0001-UT1

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

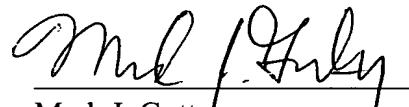
Sir:

The below-identified communication(s) is (are) submitted in the above-captioned application or proceeding:

- ☒ Notice of Appeal
- ☒ Fee Transmittal and Authorization to Charge Deposit Account
- ☒ Credit Card Payment Form

- ☒ The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, including fees under 37 C.F.R. §§ 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 10-0233-ENER-0001-UT1.**

Respectfully submitted,


Mark J. Guttag
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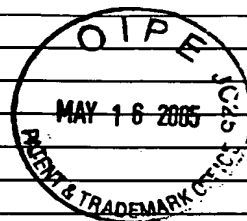
May 16, 2005

Patent Fee Transmittal for FY 2005

☒ Applicant Claims Small Entity Status 37 C.F.R. 1.27

TOTAL AMOUNT OF PAYMENT \$250.00

Application Number 10/637,608
Filing Date 11-Aug-03
Named Inventor FLYNN, et al.
Examiner Name LANGEL, Wayne A.
Art Unit 1754
Attorney Docket No. ENER-0001-UT1



FEE CALCULATION

1. Filing Fees

Application Type	Description	Large Entity		Small Entity		Paid
		Code	(\$)	Code	(\$)	
Utility	Basic	1011	300	2011	150	\$ -
	Examination	1311	200	2311	100	\$ -
	Search	1111	500	2111	250	\$ -
Design	Basic	1012	200	2012	100	\$ -
	Examination	1312	130	2312	65	\$ -
	Search	1112	100	2112	50	\$ -
Plant	Basic	1013	200	2013	100	\$ -
	Examination	1313	160	2313	80	\$ -
	Search	1113	300	2113	150	\$ -
Reissue	Basic	1014	300	2014	150	\$ -
	Examination	1114	600	2114	300	\$ -
	Search	1314	500	2314	250	\$ -
Provisional	Basic	1005	200	2005	100	\$ -
National Stage	Basic	1631	300	2631	150	\$ -
	Examination	1633	200	2633	100	\$ -
	Search	1632	500	2632	250	\$ -

2. Extra Claim Fee

a. Claims as Filed

Extra Claims
Total Claims 0 - 20 = 0 x
Independent 0 - 3 = 0 x
Multiple Dependent

Large Entity		Small Entity		Paid
Code	(\$)	Code	(\$)	
1201	50	2201	25	\$ -
1202	200	2202	100	\$ -
1203	360	2203	180	\$ -

b. Claims as Amended

After Amnt Highest Paid Present Extra
Total Claims 0 - 0 = 0 x
Independent 0 - 0 = 0 x
First Presentation of Multiple Dependent

Large Entity		Small Entity		Paid
Code	(\$)	Code	(\$)	
1201	50	2201	25	\$ -
1202	200	2202	100	\$ -
1203	360	2203	180	\$ -

3. Extra Page Fee

Total Pages Extra Pages
0 -100 0 x

Large Entity		Small Entity		Paid
Code	(\$)	Code	(\$)	
1081	250	2081	125	\$ -

Subtotal for Application Fees

1 \$ - + 2 \$ - + 3 \$ - = \$ -

4. Additional Fees

Description	Large Entity		Small Entity		Paid
	Code	(\$)	Code	(\$)	
Extension for response first month	1251	120	2251	60	\$ -
Extension for response second month	1252	450	2252	225	\$ -
Extension for response third month	1253	1,020	2253	510	\$ -
Extension for response fourth month	1254	1,590	2254	795	\$ -
Extension for response fifth month	1255	2,160	2255	1,080	\$ -
Notice of Appeal	1401	500	2401	250	\$ 250
Filing a Brief in Support of an Appeal	1402	500	2402	250	\$ -
Request for Oral hearing	1403	1,000	2403	500	\$ -
Petitions under 1.17(f)	1462	400	1462	400	\$ -
Petitions under 1.17(g)	1463	200	1463	200	\$ -
Petitions under 1.17(h)	1464	130	1464	130	\$ -
Petition - public use proceeding	1451	1,510	1451	1,510	\$ -
Petition to Revive - Unavoidable	1452	500	2452	250	\$ -
Petition to Revive - Unintentional	1453	1,500	2453	750	\$ -
Utility Issue Fee	1501	1,400	2501	700	\$ -
Design Issue Fee	1502	800	2502	400	\$ -
Plant Issue Fee	1503	1,100	2503	550	\$ -
Reissue Issue Fee	1511	1,400	2511	700	\$ -
Publication Fee	1504	300	1504	300	\$ -
Statutory Disclaimer	1814	130	2814	65	\$ -

(cont.)

Description (cont.)	Large Entity		Small Entity		Paid
	Code	(\$)	Code	(\$)	
Recording each Assignment	8021	40	8021	40	\$ -
Submission of IDS	1806	180	1806	180	\$ -
Request for Cont. Examination (RCE)	1801	790	2801	395	\$ -
Filing Submission After Final	1809	790	2809	395	\$ -
Surcharge - late filing fee or oath	1051	130	2051	65	\$ -
Surcharge - late provisional fee	1052	50	2052	25	\$ -
Non-English Specification	1053	130	1053	130	\$ -
Processing Fee 37 CFR 1.17(q)	1807	50	1807	50	\$ -
Request for Ex Parte Reexamination	1812	2,520	1812	2,520	\$ -
Request Pub. of SIR prior to action	1804	920	1804	920	\$ -
Request Pub. of SIR after action	1805	1,840	1805	1,840	\$ -
Each Add. Invention Examined	1810	790	2810	395	\$ -
Expedited Examination (Design)	1802	900	1802	900	\$ -
Unintentionally Delayed Priority Claim	1453	1,370	1453	1,370	\$ -
Certificate of Correction	1811	100	1811	100	\$ -
Maintenance Fees 3.5 years	1551	900	2551	450	\$ -
Maintenance Fees 7.5 years	1552	2,300	2552	1,150	\$ -
Maintenance Fees 11.5 years	1553	3,800	2553	1,900	\$ -
Surcharge - Late Payment 6 mos.	1554	130	2554	65	\$ -
Other fee					\$ -

Additional Fee Subtotal \$ 250

METHOD OF PAYMENT (Check all that apply)

☒ Credit Card (Provide credit card information and authorization on PTO-2038)

☒ Deposit Account No. 10-0233-ENER-0001-UT1

For the above-identified deposit account, the Director is hereby authorized to:

☐ To charge the above-identified fee.

☒ To charge any additional fees which may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above.

Submitted by:

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Firm Jagtiani + Gutttag
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Mark J. Gutttag
Signature

May 16, 2005

Date